

from the committee before the Council. So allowing a discussion upon this motion will be certainly springing a surprise upon Chittur people and hence out of regard to their sentiments I overrule the motion.

Dr. A. R. Menon.—I am not moving an amendment. I only oppose the section.

President.—If that is so, I can put it to the vote of the House.

Section 42 put and carried.

42. Nothing in this Regulation shall apply to the Chittur Taluk. Chittur Taluk exempted.

Proviso.—The Government may, whenever it deems fit to do so, by a notification published in the Cochin Government Gazette, declare the whole of this Regulation or any portion of it to be applicable to the Chittur Taluk or to any part of it.

The Workmen's Compensation Bill.

As Mr. K. T. Mathew, the mover, was absent, the following motion was considered withdrawn.

"That the Bill as amended by the Committee be taken into consideration."

The State Aid to Industries Bill.

As Mr. K. T. Mathew, the mover, was absent, the following motion was considered withdrawn.

"That the Bill as amended by the Committee be taken into consideration."

The Cochin Ezhuthachan Bill.

Mr. P. Kumaran Ezhuthassan.—Sir, I beg to move that the Cochin Ezhuthachan Bill be read in Council.

Mr. T. K. Nayar.—I second it.

Mr. Thomas Manjuran.—May I know from the Hon'ble Member, before adopting what attitude the Government should take, whether you propose to move for the appointment of a Select Committee?

Mr. P. Kumaran Ezhuthassan.—Sir, at this stage I do not want to say anything. It will come in its proper time.

Mr. Thomas Manjuran.—If you do not give the information, Government will have to oppose the Bill.

Mr. P. Kumaran Ezhuthassan.—Sir, I do not mind what the Government does. At this stage, I refuse to supply the information.

Dr. A. R. Menon.—On a point of order, Sir. There are certain rules and regulations laid down for our guidance. He is

following these rules one after another. I want to know whether the Government Advocate is going to deviate from these rules or follow these rules.

President.—The attitude of the Government has to be determined upon, only after knowing whether the Bill is going to be referred to a Select Committee or not.

Mr. A. Sankara Menon.—It is very illegitimate to make a request by the Government whether he is going to refer the Bill to a Select Committee or not at this stage. It is very objectionable.

Mr. George Chakyamuri.—I don't think there is anything illegitimate or objectionable in this.

Mr P. Kumaran Ezhutassan.—Under Standing Order 31 (2) and (3) "When introducing a Bill, the member in charge of it shall move that the Bill be read in Council. If the motion be seconded, the principle of the Bill and its general provisions may then be discussed and if the motion be carried, the Secretary shall read the title of the Bill". I was called upon by the President to introduce the Bill and I did it. As contemplated by the next sub-division, after being seconded by the Hon'ble Member for Pazhayamur, the principle of the Bill and its general provisions may be discussed. We are now only at that stage. It is most improper on the part of the Government to enquire whether I am going to refer the Bill to a Select Committee at this stage and threaten opposition if I don't do so.

Mr. A. Sivarama Menon.—Mr. President, Sir, I am afraid we are introducing unnecessary heat into the discussion. Perhaps the difficulty arose because the Hon'ble Law Member instead of ascertaining informally whether the Hon'ble Member in charge of the Bill wished to refer the bill to a Select Committee put a query in a formal manner. I am sure the Hon'ble the Law Member only wanted just to know what is the procedure that is contemplated. It was but a friendly enquiry across the table—an asile as it were—between the Treasury bench and the non-official members.

Dr. A. R. Menon.—There has never been an instance of putting a question like this. Various bills have been passed in this Council during the last 10 years. This is the first instance wherein the Government Advocate has ascertained, "Are you going to appoint a committee? If you don't tell, we will oppose it".

President.—If you want to follow the strict rule, there is absolutely no harm.

Mr. P. Kumaran Ezhuthassan.—Mr. President, Sir, when I see the move of the Hon'ble Law Member I am inclined to think that the Bill will be opposed from the Government side. Hence a discussion of the principles of the Bill is become absolutely necessary which I did not want to attempt for the reason that the Bill is only an attempt to do bare justice to the woman folk of a community. I will only explain the main provisions of the Bill, i. e., the general principles underlying the Bill as a whole.

This is a small piece of legislation that is attempted and any one who knows the peculiar position in which the Ezhuthachan community is placed will understand and appreciate the necessity for the introduction of such a piece of legislation. The community in the main, follows the Mithakshara form of Hindu Law and this has been laid down by the decisions of the Chief Court. Unfortunately for the community one or two customs quite contrary to the rules of Mithakshara law have crept into the Society. To mention one of them I have only to point out the custom of free divorce, unrestricted divorce, that prevails in the society. The community feels that it is absolutely necessary to restrict divorce, if not altogether do away with it. Sections 4 and 5 of the Bill are only attempts to restrict divorce and regulate the same. It is not the intention of the Bill before the House to altogether do away with the system that is in vogue in the community but only to regulate it. Polygamy though not prevalent in the community is not altogether absent from it. Section 3 aims at prohibiting this barbarous system in future. Then section 6 is only an attempt at restricting child marriage which in certain places of the country exists in the community.

The most important part of the Bill is chapter 3 which deals with inheritance. It need not be told that the position of the widow as well as the daughter is nothing enviable under the Mithakshara law and as far as the community is concerned the lot of the daughter and the widow is even worse. Section 8 deals with the position of the widow in regard to the property of the husband in the various stages in which she may find herself placed. Section 9 only gives a reciprocity of rights to the widower in the widow's property. Section 10 deals with the daughter's share. This is a first attempt—only a first attempt—to do the barest justice to the daughters of the community. Section 12 deals with the devolution of the mother's estate.

Then the next chapter, chapter 5, with 4 or 5 sections is only an attempt at regulating partition. The last chapter of two sections contains only certain supplementary provisions.

In introducing this Bill I have respected the wishes of the only representative association of the community, the Ezhuthachan Mahasabha which for the last few years has been passing resolutions urging upon me, who happened to be in the Council, not as the representative of the community but of a general constituency, to move in the matter of legislation on the lines of the resolutions passed in the Ezhuthachan Mahajanasabha and just to respect the feelings of the community, I have come to this Council with the Bill. I find from certain recent issues of some of the vernacular papers of the State that there is a section of the community which is against this Bill. Since it is too late to request the Government to have a member of the community to represent the orthodox views of the community in the Select Committee to which I desire to refer the Bill, I shall be much obliged to any Honourable Member on the non-official side. . . .

Mr. George Chakyamuri.—Now the cat is out of the bag.

Mr. P. Kumaran Ezhuthassan.—Yes, Sir, the cat was all the while in the bag and it is only coming out at the proper time. It is my intention, I say, to refer the Bill to a Select Committee and before I resume my seat I would request the Hon'ble non-official members, if there be any amongst them to represent the orthodox view, to come forward as a member of the Select Committee. That request is made for the simple reason that we may be able to know the opposite view also. I had no time at my disposal to request the Government to have a member of the community to sit on the Select Committee to represent the orthodox views of the community. Hence this request. If any of the Hon'ble non-official members will be pleased to lead the orthodox views of the community in the committee I will be very much obliged to them. My honest view is that unless this orthodox view is also placed before the committee there is no use of legislating on the lines that I have indicated in this Bill. With these observations I request that the Hon'ble Members of the House may be pleased to pass the motion before the House, namely, to introduce the Bill.

Mr. George Chakyamuri.—I would suggest the name of Mr. Poduval for general orthodoxy.

Motion put and carried.

Mr. C. J. Mathew.—The title of the Bill is the Cochin Ezhuthachan Bill.

Mr. P. Kumaran Ezhuthassan.—Sir, I move that the Bill be referred to a Select Committee consisting of the Hon'ble Member for Law, Dr. A. R. Menon, Messrs. T. A. Ramachandra

Ayyar, Paul Mampilli, C. N. Ittiravi Nambudiri, K. Ayyappan
T. K. Nayar, the lady member and the mover.

Motion put and carried.

President.—The Law Member will be the Chairman of the Committee and the report would be submitted within two months.

Resolutions.

1. *Revision of the pay of the clerks and Head clerks of the Registration Department.*

Mr. Paul Mampilli.—Sir, I had requested the President to allow me to amend the resolution restricting the scope of it to the following effect:—

This Council recommends to the Government that the Government be pleased to revise and standardise the pay of the clerks and the head clerks in the Registration Department so as to give them Rs. 25—40 and Rs. 40—60 respectively as obtains in other departments of the State.

Sir, I am glad that this resolution is one which finds favour with many Hon'ble Members of this House as evidenced, from the various resolutions on the same subject that find a place in the Agenda. Though the Hon'ble Members may be well aware of the anomalous position in which the clerks and Head clerks of the Registration Department are placed I think it is desirable to state a few salient facts regarding this question.

Let me at the outset state that the definite request of this resolution is that the pay of the clerks in Registry Offices should be made Rs. 25—40 as in other departments of the State service and the pay of the head clerks in the Registry Offices should be Rs. 40—60. With regard to the pay of the clerks I am only reiterating a resolution passed by this Council in 1104 recommending to the Government that the pay of the clerks in the Registry Offices should be fixed at Rs. 25—40. The reasons that actuated the Council on that occasion in making such a recommendation exist to-day as strongly as they existed six years back. Prior to 1095 it is found that while the copyists in the Munsiff's and Magistrate's courts were being paid Rs. 12 the clerks in the Registry Offices were paid Rs. 15. After the re-organisation in 1095 up to 1105 the clerks in the Registration Department were paid the same scale of pay as was given to the clerks in the Taluk Offices, Munsiffs' Courts and Magistrate's Courts. But in 1105 passing orders on the recommenda-